

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 128 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 5-10.2-4-6 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]:
- 5 Sec. 6. (a) A member who becomes disabled while receiving a salary
- 6 or employer provided income protection benefits or who is on leave
- 7 under the Family and Medical Leave Act may retire for the duration of
- 8 ~~his~~ **the member's** disability if:
- 9 (1) the member has at least five (5) years of creditable service
- 10 before the:
- 11 (A) termination of a salary or employer provided income
- 12 protection benefits or Family and Medical Leave Act leave; or
- 13 (B) exhaustion of all worker's compensation benefits;
- 14 (2) the member has qualified for Social Security disability
- 15 benefits and has furnished proof of the Social Security
- 16 qualification to the board; and
- 17 (3) at least once each year until the member reaches age sixty-five
- 18 (65) a representative of the board verifies the continued disability.
- 19 For the purposes of this section, a member of the public employees'
- 20 retirement fund who has qualified for disability benefits under the
- 21 federal civil service system is considered to have met the requirement
- 22 of subdivision (2) if ~~he~~ **the member** furnishes proof of the qualification
- 23 to the board of the public employees' retirement fund.
- 24 (b) Benefits for disability shall be paid beginning with the month

following the onset of disability as determined by the Social Security Administration. The benefit is the retirement benefit specified in section 4 of this chapter with the pension computed using only the years of creditable service worked to the date of disability and without reduction for early retirement. However, the monthly disability retirement benefit may not be less than one hundred ~~eighty~~ **eighty** dollars ~~(\$100): (\$180).~~

(c) The member may have ~~his~~ **the member's** benefit paid under any of the retirement benefit options specified in section 7 of this chapter, except that the member may not choose to have the member's disability retirement benefit paid under the method specified under section 7(b)(3) of this chapter.

(d) This section applies to:

- (1) a member of the public employees' retirement fund who became disabled after June 30, 1973; and
- (2) a member of the Indiana state teachers' retirement fund who becomes disabled after June 30, 1984, and who chooses disability retirement under this section.

(e) To the extent required by the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and any amendments and regulations to the Act, the transcripts, records, and other material compiled to determine the existence of a disability shall be:

- (1) kept in separate medical files for each member; and
- (2) treated as confidential medical records.

(f) A member may continue to receive disability benefits from the public employees' retirement fund or the Indiana state teachers' retirement fund so long as the member is entitled to receive Social Security benefits, including periods of trial employment or rehabilitation under the Social Security guidelines. However, during a period of trial employment or rehabilitation, service credit may not be granted under the public employees' retirement fund or the Indiana state teachers' retirement fund.

**(g) If the fund is authorized to make, in the form of a single check or a series of checks, a one (1) time distribution that does not increase the pension portion of the monthly benefit, the distribution must include members eligible for disability benefits. A member eligible for disability benefits is required to meet all additional requirements necessary to receive the check or series of checks issued by the fund under this subsection."**

Page 4, after line 7, begin a new paragraph and insert:

**"SECTION 4. [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)] IC 5-10.2-4-6, as amended by this act, applies to disability retirement benefits payable by the Indiana state teachers' retirement fund and the public employees' retirement fund after December 31, 2006.**

**SECTION 5. An emergency is declared for this act."**

- 1      Renumber all SECTIONS consecutively.  
         (Reference is to ESB 128 as printed March 13, 2007.)

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Representative Crawford